

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

KRISTA WILLHITE  
272 East Blythedale Ave  
Mill Valley, CA 94941

Respondent.

Case No. 2001-227

OAH No.

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing of the Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on October 28th, 2001.

It is so ORDERED September 28th, 2001.

*Sandra R. Erickson*

\_\_\_\_\_  
FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

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of the State of California  
2 MICHAEL B. FRANKLIN, State Bar No. 136524  
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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues Against:

12 KRISTA WILLHITE  
272 East Blythedale Ave  
13 Mill Valley, CA 94941

14 Respondent.

Case No. 2001-227

OAH No.

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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17 In the interest of a prompt and speedy settlement of this matter, consistent with  
18 the public interest and the responsibility of the Board of Registered Nursing of the Department of  
19 Consumer Affairs, ("Board"), the parties hereby agree to the following Stipulated Settlement and  
20 Disciplinary Order which will be submitted to the Board for its approval and adoption as the  
21 final disposition of the Statement of Issues.

22  
23 **PARTIES**

24 1. Complainant Ruth Ann Terry, M.P.H., R.N. is the Executive Officer of the  
25 Board of Registered Nursing. She brought this action solely in her official capacity and is  
26 represented in this matter by Bill Lockyer, Attorney General of the State of California, by  
27 Michael B. Franklin, Deputy Attorney General.

28 2. Krista Willhite ("Respondent") is representing herself in this proceeding

1 and has chosen not to exercise her right to be represented by counsel.

2 3. On or about May 26, 2000, Respondent submitted an application for a  
3 Registered Nursing License Applicant to the Board of Registered Nursing. The application was  
4 denied on or about November 9, 2000.

5 JURISDICTION

6 4. Statement of Issues No. 2001-227, was filed before the Board of  
7 Registered Nursing of the Department of Consumer Affairs, ("Board"), and is currently pending  
8 against Respondent. The Statement of Issues, together with all other statutorily required  
9 documents, was duly served on Respondent on February 28, 2001, and Respondent timely filed  
10 her Notice of Defense contesting the Statement of Issues. A copy of Statement of Issues No.  
11 2001-227 is attached as Exhibit A and incorporated herein by reference.

12 ADVISEMENT AND WAIVERS

13 5. Respondent has carefully read and fully understands the nature of the  
14 charges and allegations in the Statement of Issues and the effects of this Stipulated Settlement  
15 and Disciplinary Order.

16 6. Respondent is fully aware of her legal rights in this matter, including the  
17 right to a hearing on the charges and allegations in the Statement of Issues, the right to be  
18 represented by counsel, at her own expense, the right to confront and cross-examine the  
19 witnesses against her, the right to present evidence and to testify on her own behalf, the right to  
20 the issuance of subpoenas to compel the attendance of witnesses and the production  
21 of documents, the right to reconsideration and court review of an adverse decision, and all other  
22 rights accorded by the California Administrative Procedure Act and other applicable laws.

23 7. Respondent voluntarily, knowingly and intelligently waives and gives up  
24 each and every right set forth above.

25 CULPABILITY

26 8. Respondent understands that the charges and allegations in the Statement  
27 of Issues, if proven at a hearing, constitute cause for denying her application for a Registered  
28 Nursing License Applicant.

9. Respondent admits the truth of each and every charge and allegation in the Statement of Issues No. 2001-227.

10. Respondent agrees that her Registered Nursing License Applicant is subject to denial and she agrees to be bound by the Board's imposition of discipline as set forth in the Order below.

## CONTINGENCY

11. This stipulation shall be subject to the approval of the Board. Respondent understands and agrees that Board of Registered Nursing's staff and counsel for Complainant may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. If the Board fails to adopt this stipulation as its Order, except for this paragraph the Stipulated Settlement and Disciplinary Order shall be of no force or effect, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the original Stipulated Settlement and Disciplinary Order and signatures.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board shall, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

## DISCIPLINARY ORDER

**IT IS HEREBY ORDERED** that the application of respondent Krista Willhite for licensure is hereby granted. Upon successful completion of the licensure examination and all other licensing requirements, a license shall be issued to respondent. Said license shall immediately be revoked, the order of revocation stayed and respondent placed on probation for a period of 3 years on the following terms and conditions:

(1) **OBEY ALL LAWS** - Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by the respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of

1 compliance with this term, respondent shall submit completed fingerprint cards and fingerprint  
2 fees within 45 days of the effective date of the decision, unless previously submitted as part of  
3 the licensure application process. Respondent shall submit a recent 2" x 2" photograph of  
4 himself or herself within 45 days of the effective date of the final decision.

5 **(2) COMPLY WITH PROBATION PROGRAM** - Respondent shall fully  
6 comply with the terms and conditions of the Probation Program established by the Board and  
7 cooperate with representatives of the Board in its monitoring and investigation of the  
8 respondent's compliance with the Probation Program. Respondent shall inform the Board in  
9 writing within no more than 15 days of any address change and shall at all times maintain an  
10 active, current license status with the Board, including during any period of suspension.

11 **(3) REPORT IN PERSON** - Respondent, during the period of probation, shall  
12 appear in person at interviews/ meetings as directed by the Board or its designated representatives.

13 **(4) RESIDENCY OR PRACTICE OUTSIDE OF STATE** - Periods of  
14 residency or practice as a registered nurse outside of California will not apply to the reduction of  
15 this probationary term. The respondent must provide written notice to the Board within 15 days of  
16 any change of residency or practice outside the state.

17 **Absence From State** - Respondent shall be bound by the terms and conditions of  
18 the Disciplinary Order at its effective date. However, the period of probation shall be tolled, and  
19 the terms and conditions of the Disciplinary Order shall be stayed, until respondent enters the State  
20 of California to practice nursing at a future date. Respondent shall give written notice to the Board  
21 of respondent's intention to practice nursing in California thirty (30) days prior to engaging in any  
22 activity requiring a registered nurse license issued by the Board. Failure to comply with the notice  
23 requirement shall constitute a violation of probation and a basis for revoking probation and  
24 respondent's California registered nurse license.

25 **(5) SUBMIT WRITTEN REPORTS** - Respondent, during the period of  
26 probation, shall submit or cause to be submitted such written reports/declarations and verification  
27 of actions under penalty of perjury, as required by the Board. These reports/declarations shall  
28 contain statements relative to respondent's compliance with all the terms and conditions of the

1 Board's Probation Program. Respondent shall immediately execute all release of information  
2 forms as may be required by the Board or its representatives.

3 **PROVIDE DECISION**

4 Respondent shall provide a copy of this decision to the nursing regulatory agency in every  
5 state and territory in which he or she has a registered nurse license.

6 **(6) FUNCTION AS A REGISTERED NURSE** - Respondent, during the period  
7 of probation, shall engage in the practice of registered nursing in California for a minimum of 24  
8 hours per week for 6 consecutive months or as determined by the Board.

9 For purposes of compliance with the section, "engage in the practice of registered  
10 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work  
11 in any non-direct patient care position that requires licensure as a registered nurse.

12 The Board may require that advanced practice nurses engage in advanced practice  
13 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the  
14 Board.

15 If respondent has not complied with this condition during the probationary term, and  
16 the respondent has presented sufficient documentation of his or her good faith efforts to comply  
17 with this condition, and if no other conditions have been violated, the Board, in its discretion, may  
18 grant an extension of the respondent's probation period up to one year without further hearing in  
19 order to comply with this condition.

20 **(7) EMPLOYMENT APPROVAL AND REPORTING REQUIREMENTS -**  
21 Respondent shall obtain prior approval from the Board before commencing any employment, paid  
22 or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
23 performance evaluations and other employment related reports as a registered nurse upon request of  
24 the Board.

25 Respondent shall provide a copy of this decision to his or her employer and  
26 immediate supervisor prior to commencement of any nursing or other health care related  
27 employment.

28 Respondent shall notify the Board in writing within seventy-two (72) hours after he

1 or she obtains any nursing or other health care related employment, when such employment is not  
2 as a registered nurse. Respondent shall notify the Board in writing within seventy-two (72) hours  
3 after he or she is terminated from any registered nursing, other nursing, or other health care related  
4 employment with a full explanation of the circumstances surrounding the termination.

5 (8) **SUPERVISION** - Respondent shall obtain prior approval from the Board  
6 regarding respondent's level of supervision and/or collaboration before commencing any  
7 employment as a registered nurse.

8 Respondent shall practice only under the direct supervision of a registered nurse in  
9 good standing (no current discipline) with the Board of Registered Nursing, unless alternative  
10 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are  
11 approved.

12 Respondent's level of supervision and/or collaboration may include, but is not  
13 limited to the following:

14 (a) Maximum - The individual providing supervision and/or collaboration is  
15 present in the patient care area or in any other work setting at all times.

16 (b) Moderate - The individual providing supervision and/or collaboration is in the  
17 patient care unit or in any other work setting at least half the hours respondent works.

18 (c) Minimum - The individual providing supervision and/or collaboration has  
19 person-to-person communication with respondent at least twice during each shift worked.

20 (d) Home Health Care - If respondent is approved to work in the home health care  
21 setting, the individual providing supervision and/or collaboration shall have person-to-person  
22 communication with respondent as required by the Board each work day. Respondent shall  
23 maintain telephone or other telecommunication contact with the individual providing supervision  
24 and/or collaboration as required by the Board during each work day. The individual providing  
25 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to  
26 patients' homes visited by the respondent with or without respondent present.

27 (9) **EMPLOYMENT LIMITATIONS** - Respondent shall not work for a nurse's  
28 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, or

1 for an in-house nursing pool.

2 Respondent shall not work for a licensed home health agency as a visiting nurse  
3 unless the registered nursing supervision and other protections for home visits have been approved  
4 by the Board. Respondent shall not work in any other registered nursing occupation where home  
5 visits are required.

6 Respondent shall not work in any health care setting as a supervisor of registered  
7 nurses. The Board may additionally restrict respondent from supervising licensed vocational nurses  
8 and/or unlicensed assistive personnel on a case-by-case basis.

9 Respondent shall not work as a faculty member in an approved school of nursing or  
10 as an instructor in a Board approved continuing education program.

11 Respondent shall work only on a regularly assigned, identified and predetermined  
12 worksite(s) and shall not work in a float capacity.

13 If the respondent is working or intends to work in excess of 40 hours per week, the  
14 Board may request documentation to determine whether there should be restrictions on the hours of  
15 work.

16 (10) **COMPLETE A NURSING COURSE(S)** - Respondent shall comply with  
17 the appropriate requirement, as specified in the decision:

18 a) Respondent, at his or her own expense, shall enroll and successfully complete a  
19 course(s) relevant to the practice of registered nursing no later than six months prior to the end of  
20 his or her probationary term; or

21 b) Respondent shall be suspended from the practice of registered nursing, until he  
22 or she has enrolled in and successfully completed a course(s) relevant to the practice of registered  
23 nursing.

24 Respondent shall obtain prior approval from the Board before enrolling in the  
25 course(s). Respondent shall submit to the Board the original transcripts or certificates of  
26 completion for the above required course(s). The Board shall return the original documents to  
27 respondent after photocopying them for its records.

28 (11) **VIOLATION OF PROBATION** - If a respondent violates the conditions of



1 her probation, the Board, after giving the respondent notice and an opportunity to be heard, may set  
2 aside the stay order and impose the stayed discipline (revocation/suspension) of the respondent's  
3 license.

4 If respondent violates her criminal probation, this shall be deemed a violation of this  
5 Stipulation and may result in the filing of an Accusation or Petition to Revoke Probation.

6 If during the period of probation, an accusation or petition to revoke probation has  
7 been filed against respondent's license or the Attorney General's Office has been requested to  
8 prepare an accusation or petition to revoke probation against the respondent's license, the  
9 probationary period shall automatically be extended and shall not expire until the accusation or  
10 petition has been acted upon by the Board. Upon successful completion of probation, the  
11 respondent's license will be fully restored.

12 (12) **PHYSICAL EXAMINATION** - Within 45 days of the effective date of this  
13 decision, respondent, at his/her expense, shall have a licensed physician, nurse practitioner, or  
14 physician assistant, who is approved by the Board before the assessment is performed, submit an  
15 assessment of the respondent's physical condition and capability to perform the duties of a  
16 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If  
17 medically determined, a recommended treatment program will be instituted and followed by the  
18 respondent with the physician, nurse practitioner, or physician assistant providing written reports to  
19 the Board on forms provided by the Board.

20 If respondent is determined to be unable to practice safely as a registered nurse, the  
21 licensed physician, nurse practitioner, or physician assistant making this determination shall  
22 immediately notify the Probation Program and respondent by telephone. Respondent shall  
23 immediately cease practice and shall not resume practice until notified by the Probation Monitor.  
24 During this period of suspension, respondent shall not engage in any practice for which a license  
25 issued by the Board is required until the Probation Monitor has notified respondent that a medical  
26 determination permits respondent to resume practice.

27 (13) **PARTICIPATE IN TREATMENT/REHABILITATION PROGRAM**  
28 **FOR CHEMICAL DEPENDENCE** - Respondent, at his/her expense, shall successfully complete

1 during the probationary period or shall have successfully completed prior to commencement of  
2 probation a Board-approved treatment/rehabilitation program of at least six months. As required,  
3 reports shall be submitted by the program on forms provided by the Board. If respondent has not  
4 completed a Board-approved treatment/rehabilitation program prior to commencement of  
5 probation, respondent, within 45 days from the effective date of the decision, shall be enrolled in a  
6 program. If a program is not successfully completed within the first nine months of probation, the  
7 Board shall consider respondent in violation of probation.

8           Based on Probation Program recommendation, each week respondent shall be  
9 required to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g.,  
10 Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and  
11 directed by the Board. If a nurse support group is not available, an additional 12 step meeting or  
12 equivalent shall be added. Respondent shall submit dated and signed documentation confirming  
13 such attendance to the Board during the entire period of probation. Respondent shall continue with  
14 the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health  
15 examiner and/or other ongoing recovery groups.

16           (14) **ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING)**  
17 **DRUGS.** Respondent shall completely abstain from the possession, injection or consumption by  
18 any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are  
19 ordered by a health care professional legally authorized to do so and are part of documented  
20 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)  
21 days, by the prescribing physician or dentist, a report identifying the medication, dosage, the date  
22 the medication was prescribed, the respondent's prognosis, the date the medication will no longer  
23 be required, and the effect on the recovery plan, if appropriate.

24           Respondent shall identify for the Board a single physician, nurse practitioner or  
25 physician assistant who shall be aware of respondent's history of substance abuse and will  
26 coordinate and monitor any prescriptions for respondent for dangerous drugs, controlled substances  
27 or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall  
28 report to the Board on a quarterly basis respondent's compliance with this condition. If any

1 substances considered addictive have been prescribed, the report shall identify a program for the  
2 time limited use of any such substances.

3 The Board may require the single coordinating physician, nurse practitioner, or  
4 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in  
5 addictive medicine.

6 (15) **SUBMIT TO TESTS AND SAMPLES** - Respondent, at his/her expense,  
7 shall participate in a random, biological fluid testing or a drug screening program which the Board  
8 approves. The length of time and frequency will be subject to approval by the Board. The  
9 respondent is responsible for keeping the Board informed of respondent's current telephone number  
10 at all times. Respondent shall also ensure that messages may be left at the telephone number when  
11 he/she is not available and ensure that reports are submitted directly by the testing agency to the  
12 Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by  
13 the program and the respondent shall be considered in violation of probation.

14 In addition, respondent, at any time during the period of probation, shall fully  
15 cooperate with the Board or any of its representatives, and shall, when requested, submit to such  
16 tests and samples as the Board or its representatives may require for the detection of alcohol,  
17 narcotics, hypnotics, dangerous drugs, or other controlled substances.

18 If respondent has a positive drug screen for any substance not legally authorized and  
19 not reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board  
20 files a petition to revoke probation or an accusation, the Board may suspend respondent from  
21 practice pending the final decision on the petition to revoke probation or the accusation.

22 (16) **MENTAL HEALTH EXAMINATION** - The respondent shall, within 45  
23 days of the effective date of this decision, have a mental health examination including  
24 psychological testing as appropriate to determine his/her capability to perform the duties of a  
25 registered nurse. The examination will be performed by a psychiatrist, psychologist or other  
26 licensed mental health practitioner approved by the Board. The examining mental health  
27 practitioner will submit a written report of that assessment and recommendations to the Board. All  
28 costs are the responsibility of the respondent. Recommendations for treatment, therapy or

1 counseling made as a result of the mental health examination will be instituted and followed by the  
2 respondent.

3 If respondent is determined to be unable to practice safely as a registered nurse, the  
4 licensed mental health care practitioner making this determination shall immediately notify the  
5 Probation Program and respondent by telephone. Respondent shall immediately cease practice and  
6 may not resume practice until notified by the Probation Monitor. During this period of suspension,  
7 respondent shall not engage in any practice for which a license issued by the Board is required,  
8 until the Probation Monitor has notified respondent that a mental health determination permits  
9 respondent to resume practice.

10 (17) **THERAPY OR COUNSELING PROGRAM** - Respondent, at his/her  
11 expense, shall participate in an on-going counseling program until such time as the Board releases  
12 him/her from this requirement and only upon the recommendation of the counselor. Written  
13 progress reports from the counselor will be required at various intervals.

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17 **ACCEPTANCE**

18 I have carefully read the above Stipulated Settlement and Disciplinary Order and I  
19 fully understand the terms and conditions and other matters contained therein, I understand the  
20 effect this stipulation will have on my Registered Nursing License Applicant. I enter into this  
21 Stipulated Settlement voluntarily, knowingly and intelligently and agree to be bound by the  
22 Disciplinary Order and Decision of the Board of Registered Nursing. I further agree that a  
23 facsimile copy of this Stipulated Settlement and Disciplinary Order, including facsimile copies of  
24 signatures, may be used with the same force and effect as the originals.

25 DATED: May 18, 2001.

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28 KRISTA WILHITE  
Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 6/4/01

BILL LOCKYER, Attorney General  
of the State of California



MICHAEL B. FRANKLIN  
Deputy Attorney General

Attorneys for Complainant

DOJ Docket Number: 03579110-SF2000AD1586  
Stipulation 11/9/00

**Exhibit A:**  
**Statement of Issues Case No. 2001-227**

1 BILL LOCKYER, Attorney General  
2 of the State of California  
3 MICHAEL B. FRANKLIN, State Bar No. 136524  
4 Deputy Attorney General  
5 California Department of Justice  
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10 Attorneys for Complainant

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**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues Against:

Case No. 2001-227

KRISTA WILLHITE  
272 East Blythedale Ave  
Mill Valley, CA 94941

**STATEMENT OF ISSUES**

Respondent.

Complainant alleges:

**PARTIES**

1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this statement of issues solely in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about May 26, 2000, Krista Willhite ("Respondent") submitted an application for a Registered Nursing License Applicant to the Board of Registered Nursing. The application was denied on or about November 9, 2000.

**JURISDICTION**

3. This Statement of Issues is brought before the Board of Registered Nursing ("Board"), under the authority of the following sections of the Business and Professions Code ("Code").

1                   4.       Section 2761 of the Code states:

2                   "The board may take disciplinary action against a certified or licensed nurse or  
3                   deny an application for a certificate or license for any of the following:

4                   "(a) Unprofessional conduct, which includes, but is not limited to, the following:

5                   "(1) Incompetence, or gross negligence in carrying out usual certified or licensed  
6                   nursing functions.

7                   "(2) A conviction of practicing medicine without a license in violation of Chapter  
8                   5 (commencing with Section 2000), in which event the record of conviction shall be  
9                   conclusive evidence thereof.

10                  "(3) The use of advertising relating to nursing which violates Section 17500.

11                  "(4) Denial of licensure, revocation, suspension, restriction, or any other  
12                  disciplinary action against a health care professional license or certificate by another state  
13                  or territory of the United States, by any other government agency, or by another  
14                  California health care professional licensing board. A certified copy of the decision or  
15                  judgment shall be conclusive evidence of that action.

16                  "(b) Procuring his or her certificate or license by fraud, misrepresentation, or  
17                  mistake.

18                  "(c) Procuring, or aiding, or abetting, or attempting, or agreeing, or offering to  
19                  procure or assist at a criminal abortion.

20                  "(d) Violating or attempting to violate, directly or indirectly, or assisting in or  
21                  abetting the violating of, or conspiring to violate any provision or term of this chapter  
22                  [the Nursing Practice Act] or regulations adopted pursuant to it.

23                  "(e) Making or giving any false statement or information in connection with the  
24                  application for issuance of a certificate or license.

25                  "(f) Conviction of a felony or of any offense substantially related to the  
26                  qualifications, functions, and duties of a registered nurse, in which event the record of the  
27                  conviction shall be conclusive evidence thereof.

28                  "(g) Impersonating any applicant or acting as proxy for an applicant in any



1 examination required under this chapter [the Nursing Practice Act] for the issuance of a  
2 certificate or license.

3 "(h) Impersonating another certified or licensed practitioner, or permitting or  
4 allowing another person to use his or her certificate or license for the purpose of nursing  
5 the sick or afflicted.

6 "(i) Aiding or assisting, or agreeing to aid or assist any person or persons,  
7 whether a licensed physician or not, in the performance of, or arranging for, a violation of  
8 any of the provisions of Article 12 (commencing with Section 2220) of Chapter 5.

9 "(j) Holding oneself out to the public or to any practitioner of the healing arts as a  
10 "nurse practitioner" or as meeting the standards established by the board for a nurse  
11 practitioner unless meeting the standards established by the board pursuant to Article 8  
12 (commencing with Section 2834) or holding oneself out to the public as being certified  
13 by the board as a nurse anesthetist, nurse midwife, clinical nurse specialist, or public  
14 health nurse unless the person is at the time so certified by the board. Holding oneself out  
15 to the public or to any practitioner of the healing arts as a "nurse practitioner" or as  
16 meeting the standards established by the board for a nurse practitioner unless meeting the  
17 standards established by the board pursuant to Article 8 (commencing with Section 2834)  
18 or holding oneself out to the public as being certified by the board as a nurse anesthetist,  
19 nurse midwife, or public health nurse unless the person is at the time so certified by the  
20 board.

21 "(k) Except for good cause, the knowing failure to protect patients by failing to  
22 follow infection control guidelines of the board, thereby risking transmission of blood-  
23 borne infectious diseases from licensed or certified nurse to patient, from patient to  
24 patient, and from patient to licensed or certified nurse. In administering this subdivision,  
25 the board shall consider referencing the standards, regulations, and guidelines of the State  
26 Department of Health Services developed pursuant to Section 1250.11 of the Health and  
27 Safety Code and the standards, guidelines, and regulations pursuant to the California  
28 Occupational Safety and Health Act of 1973 (Part 1 (commencing with Section 6300),

1 Division 5, Labor Code) for preventing the transmission of HIV, hepatitis B, and other  
2 blood-borne pathogens in health care settings. As necessary, the board shall consult with  
3 the Medical Board of California, the Board of Podiatric Medicine, the Dental Board of  
4 California, and the Board of Vocational Nursing and Psychiatric Technicians, to  
5 encourage appropriate consistency in the implementation of this subdivision.

6 "The board shall seek to ensure that licentiates and others regulated by the board  
7 are informed of the responsibility of licentiates to minimize the risk of transmission of  
8 blood-borne infectious diseases from health care provider to patient, from patient to  
9 patient, and from patient to health care provider, and of the most recent scientifically  
10 recognized safeguards for minimizing the risks of transmission."

11 5. Section 2762 of the Code states:

12 "In addition to other acts constituting unprofessional conduct within the meaning  
13 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person  
14 licensed under this chapter to do any of the following:

15 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a  
16 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or  
17 furnish or administer to another, any controlled substance as defined in Division 10  
18 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug  
19 or dangerous device as defined in Section 4022.

20 "(b) Use any controlled substance as defined in Division 10 (commencing with  
21 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous  
22 device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner  
23 dangerous or injurious to himself or herself, any other person, or the public or to the  
24 extent that such use impairs his or her ability to conduct with safety to the public the  
25 practice authorized by his or her license.

26 "(c) Be convicted of a criminal offense involving the prescription, consumption,  
27 or self-administration of any of the substances described in subdivisions (a) and (b) of  
28 this section, or the possession of, or falsification of a record pertaining to, the substances

1 described in subdivision (a) of this section, in which event the record of the conviction is  
2 conclusive evidence thereof.

3 "(d) Be committed or confined by a court of competent jurisdiction for  
4 intemperate use of or addiction to the use of any of the substances described in  
5 subdivisions (a) and (b) of this section, in which event the court order of commitment or  
6 confinement is prima facie evidence of such commitment or confinement.

7 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible  
8 entries in any hospital, patient, or other record pertaining to the substances described in  
9 subdivision (a) of this section."

10 6. Section 480 of the Code states:

11 "(a) A board may deny a license regulated by this code on the grounds that the  
12 applicant has one of the following:

13 "(1) Been convicted of a crime. A conviction within the meaning of this section  
14 means a plea or verdict of guilty or a conviction following a plea of nolo contendere.  
15 Any action which a board is permitted to take following the establishment of a conviction  
16 may be taken when the time for appeal has elapsed, or the judgment of conviction has  
17 been affirmed on appeal, or when an order granting probation is made suspending the  
18 imposition of sentence, irrespective of a subsequent order under the provisions of Section  
19 1203.4 of the Penal Code.

20 "(2) Done any act involving dishonesty, fraud or deceit with the intent to  
21 substantially benefit himself or another, or substantially injure another; or

22 "(3) Done any act which if done by a licentiate of the business or profession in  
23 question, would be grounds for suspension or revocation of license.

24 "The board may deny a license pursuant to this subdivision only if the crime or  
25 act is substantially related to the qualifications, functions or duties of the business or  
26 profession for which application is made.

27 "(b) Notwithstanding any other provision of this code, no person shall be denied  
28 a license solely on the basis that he has been convicted of a felony if he has obtained a

1 certificate of rehabilitation under Section 4852.01 and following of the Penal Code or that  
2 he has been convicted of a misdemeanor if he has met all applicable requirements of the  
3 criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person  
4 when considering the denial of a license under subdivision (a) of Section 482.

5 "(c) A board may deny a license regulated by this code on the ground that the  
6 applicant knowingly made a false statement of fact required to be revealed in the  
7 application for such license."

#### 8 CAUSE FOR DENIAL OF APPLICATION

##### 9 (Criminal Convictions)

10 7. Respondent's application is subject to denial under section 480 (a) (1) and  
11 (3), 2761 (a) and (f) and 2762 (b) and (c) in that on or about May 13, 1998, in a criminal  
12 proceeding entitled *People v. Krista Jean Willhite* in Butte County Superior Court, Case Number  
13 NCR 78681, Respondent was convicted by plea of nolo contendere to Vehicle Code section  
14 23103 and 23103.5, reckless driving, a misdemeanor. The circumstances are as follows:

15 a. On or about March 16, 1998, Respondent, while driving under the  
16 influence of alcohol, lost control of her vehicle and crashed against an embankment.

17 b. On or about May 13, 1998, Respondent was sentenced as follows:  
18 Probation for 24 months, fine of \$955 and attend Level 1 DUI School.

19 8. Respondent's application is subject to denial under section 480 (a) (1) and  
20 (3), 2761 (a) and (f) and 2762 (b) and (c) in that on or about October 27, 1998, in a criminal  
21 proceeding entitled *People v. Krista Jean Willhite* in Monterey County Municipal Court, Case  
22 Number MM 082709A, Respondent was convicted by plea of guilty to Vehicle Code section  
23 14601.2(A), driving under a suspended license, a misdemeanor. The circumstances are as  
24 follows:

25 a. On an unknown date between May 13, 1998 and October 27, 1998,  
26 Respondent was driving under a suspended license.

27 b. On or about October 27, 1998, Respondent was sentenced as  
28 follows: Probation for a period of 3 years and a fine of \$785.

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1. Denying the application of Krista Willhite for a Registered Nursing License Applicant;

DATED: 2/7/01

03579110-SF2000AD1586  
statement of issues.wpt 5/16/00  
mbf